

zoom
meeting

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, NOVEMBER 12, 2020**

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 1302, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi, with members attending via teleconference.

The following members were present, constituting a quorum:

Edds, Steve; Chairman
Goodwin, Tommy; Representing Attorney General Lynn Fitch
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney
McRae, David; State Treasurer
Welch, Liz; Executive Director, MS Department of Finance & Administration

Also present were:

Donaldson, Bruce; Tort Claims Board
Kelly, Trina; Tort Claims Board
Logan, Jim; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
Milner, Steve; Tort Claims Board
Rayburn, Amanda; Cannon Cochran Management Services Inc.
Smith, Dan; Attorney General's Office
Wilson, Brian; State Treasurer's Office
Wilson, Jeff; Trinity Capital

The Chairman called the meeting to order.

Motion was made by Mr. Goodwin to approve the minutes of the September 10, 2020, meeting. Mrs. Welch seconded the motion, which passed unanimously.

There was no Old Business.

In New Business, Mrs. McElroy provided members with the schedule of Board meetings for 2021.

Mr. Logan presented a final financial summary for fiscal year 2021 through October 31, 2020. We have received \$2.3 million in assessments, which is just over 50% of the total assessment. Claim losses for the first four months of the fiscal year are just over \$1.3 million. This time last year we were just under \$1.3 million, so we're on track at the moment. The Budget Comparison Report looks categorically at budgeted amounts versus expenditures, and everything is fine with just under 25% of the total budget expended.

Mr. Wilson presented the investment report through October 31, 2020. The portfolio has just under \$12.8 million invested with a market value of \$12.825 million (\$40,000 unrealized gain). The internal rate of return for calendar year 2020 is just under 1.5%, about in line with last year. However, we need to take note of the yields. The current yield is right at 50 basis points and the market yield is a little bit below that. Since lockdowns have created such a huge economic slowdown, interest rates have cratered to the floor. We are investing in floating-rate securities, believing that over the next 12-18 months, interest rates will begin to rise again. In discussion with Treasurer McRae's staff, everyone is in agreement that we'd rather be in floating-rate investments right now rather than fixed-rate in anticipation of higher rates. The weighted average life of the portfolio is right at a year and a half. Year-to-date we've only earned \$125,000, which is about the lowest number we've seen in the last 7-8 years, and again the result of falling interest rates. He anticipates that we'll earn less than \$200,000 for the calendar year, and the internal rate of return for the calendar year should be around 1.80-1.85 (less than anticipated).

Mr. Milner provided members a report of his Loss Control activities since our last meeting. The majority of his time in October centered around the Mississippi State Fair, which closed with no known claims.

There was no Attorney General's Report.

Mrs. McElroy presented a list of 88 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mrs. Welch made a motion to approve the list and Treasurer McRae seconded the motion, which passed by unanimous vote.

For the Claims Report, Mr. Donaldson presented a summary of the claim of Bobby Hunter vs Mississippi Department of Mental Health, requesting approval of a negotiated settlement of all claims in the amount of \$300,000. Mrs. Welch made a motion to approve the settlement, which was seconded by Mr. Goodwin and approved.

There being no further business to come before the Board, the meeting was adjourned.

STEVE EDDS, CHAIRMAN

MIKE CHANEY, BOARD MEMBER

LYNN FITCH, BOARD MEMBER

DAVID MCRAE, BOARD MEMBER

SEAN TINDELL, BOARD MEMBER

LIZ WELCH, BOARD MEMBER

CHRIS WELLS, BOARD MEMBER

zoom meeting

Mississippi Tort Claims Board
November 12, 2020 - 1:30pm
Conference Center North, Room 138
First Floor, Woolfolk Building
Jackson, Mississippi

ATTENDANCE LIST

<u>NAME</u>	<u>DEPARTMENT/COMPANY</u>
Lea Ann McElroy	Tort
Bruce Donaldson	Tort
Steve Milner	Tort
Trina Kelly	Tort
Jim Logan	Tort
Steve Edds	Chapman
Jeff Wilson	Trinity
Liz Welch	DFA
Dan Smith	MDOT
David McKrae	Treasury
Brian Wilson	Treasury
Tommy Goodwin	AG
Amanda	CCMSI
Christina Kelsey	Insurance

Mississippi Tort Claims Board
Thursday, November 12, 2020 – 1:30 P.M.

AGENDA

- I.** Approval of Minutes
 - A. September 10, 2020
- II.** Old Business
- III.** New Business
 - A. 2021 Board Meeting Dates
- IV.** Financial Reports
 - A. Financial Report – Jim Logan
 - B. Investment Report – Jeff Wilson
- V.** Loss Control – Steve Milner
- VI.** Attorney General’s Report – Lea Ann McElroy
- VII.** Certificates of Coverage – Lea Ann McElroy
- VIII.** Claims Report – Bruce Donaldson
- IX.** Adjournment

Next meeting date and time: January 14, 2021 – 1:30 P.M.
Meeting location: Suite 138, Conference Center North, Woolfolk Building, Jackson, MS

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, SEPTEMBER 10, 2020**

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 1302, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi, with members attending via teleconference.

The following members were present, constituting a quorum:

Edds, Steve; Chairman
Goodwin, Tommy; Representing Attorney General Lynn Fitch
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney
McRae, David; State Treasurer
Smith, Denita; Representing Public Safety Commissioner
Welch, Liz; Executive Director, MS Department of Finance & Administration
Wells, Chris; Interim Executive Director, MS Department of Environmental Quality

Also present were:

Donaldson, Bruce; Tort Claims Board
Kelly, Trina; Tort Claims Board
Logan, Jim; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
Smith, Dan; Attorney General's Office
Wells, Lisa; Cannon Cochran Management Services Inc.
Wilson, Jeff; Trinity Capital

The Chairman called the meeting to order.

Motion was made by Mrs. Welch to approve the minutes of the July 15, 2020, meeting. Mr. Goodwin seconded the motion, which passed unanimously.

In Old Business, Mrs. McElroy provided members with a breakdown of the assessment by agency for their information.

There was no New Business.

Mr. Logan presented a final financial summary for fiscal year 2020 through August 31, 2020. We paid just over \$24,000 in legal expenses during this lapse period and just over \$15,000 in administrative expenses, for a total of \$39,705 for the lapse period. Mr. Logan also presented a financial report for fiscal year 2021 through August 31, 2020. Claim payments for the first two months of the fiscal year total \$546,125. Reserves are at \$6.8 million and unencumbered funds are at \$10 million. Looking at the Budget Comparison Report, we have spent 10% of our total budget appropriation through the first two months.

Mr. Wilson presented the investment report through August 31, 2020. The portfolio has a book value of \$12.7 million, and a market value of \$12.8 million (up approximately \$15,000). The internal rate of return for calendar year 2020 is just over 1.0%. The current portfolio yield is 0.65%, which equates to about the 10-year Treasury. The weighted average life is just under 2 years. Earnings for the calendar year are just over \$110,000, and should be around \$200,000 by year-end. We have earned \$18,505 in interest, which is significantly below where we were this same time last year.

In the absence of Mr. Milner, Mrs. McElroy provided members a report of his Loss Control activities since our last meeting, noting that Steve will be on the Fairgrounds most of October as the State Fair opens October 7th.

There was no Attorney General's Report.

Mrs. McElroy presented a list of 36 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mrs. Kelsey made a motion to approve the list and Mr. Goodwin seconded the motion, which passed by unanimous vote.

For the Claims Report, Mr. Donaldson presented a summary of the claim of Roy Williams vs Mississippi Forestry Commission, requesting approval of a negotiated settlement of all claims in the amount of \$250,000. Mr. Goodwin made a motion to approve the settlement, which was seconded by Mrs. Kelsey and approved. Mr. Donaldson also presented a summary and request for settlement in the case of Shakenia McMiller vs Mississippi Department of Transportation, with a recommendation of \$437,500 for all four (4) claimants. Mrs. Welch made a motion to approve the settlement, which was seconded by Treasurer McRae and approved.

There being no further business to come before the Board, the meeting was adjourned.

STEVE EDDS, CHAIRMAN

MIKE CHANEY, BOARD MEMBER

LYNN FITCH, BOARD MEMBER

DAVID MCRAE, BOARD MEMBER

LIZ WELCH, BOARD MEMBER

CHRIS WELLS, BOARD MEMBER

PUBLIC SAFETY COMMISSIONER, BOARD MEMBER

Mississippi Tort Claims Board 2021 Meeting Dates

January 14, 2021

Suite 138, Conference Center North, Woolfolk Building
Jackson, Mississippi at 1:30pm

March 11, 2021

Suite 138, Conference Center North, Woolfolk Building
Jackson, Mississippi at 1:30pm

May 13, 2021

Suite 138, Conference Center North, Woolfolk Building
Jackson, Mississippi at 1:30pm

July 8, 2021

Suite 138, Conference Center North, Woolfolk Building
Jackson, Mississippi at 1:30pm

September 9, 2021

Suite 138, Conference Center North, Woolfolk Building
Jackson, Mississippi at 1:30pm

Wednesday, November 10, 2021

(Due to Veterans Day Holiday)

Suite 138, Conference Center North, Woolfolk Building
Jackson, Mississippi at 1:30pm

MISSISSIPPI TORT CLAIMS BOARD
Combined Financial Report - Fiscal Year 2021
Fund 3308100000

-----CASH FLOW ANALYSIS-----

	September	October	Year-To-Date
REVENUE:			
Assessments Received	1,879,787.35	411,716.75	2,291,504.10
Interest	2,875.00	3,020.25	12,250.67
Investment Interest	9,314.73	5,198.50	23,281.84
Transfer In Funds	500,000.00	0.00	1,000,000.00
Total Revenue	\$ 2,391,977.08	\$ 419,935.50	\$ 3,327,036.61
EXPENSES:			
Claim Losses - TCB and TPA	44,628.66	711,931.30	1,302,685.61
Legal Expenses - TCB and TPA	93,685.78	48,996.09	151,187.27
Other Expenses - TCB and TPA	420.00	1,368.60	2,807.07
Administrative Expenses Paid	112,750.77	121,206.91	358,318.59
Transfer of Funds - Out	500,000.00	0.00	1,000,000.00
Total Expenses	\$ 751,485.21	\$ 883,502.90	\$ 2,814,998.54
FUNDS ON HAND:			
Beginning Balance	\$ 16,855,519.26	\$ 18,496,011.13	
Revenue	2,391,977.08	419,935.50	
Expenses	(751,485.21)	(883,502.90)	
Adjustments (LAPSE PERIOD)	0.00	0.00	
Total Funds	\$ 18,496,011.13	\$ 18,032,443.73	
Cash in Treasury	\$ 4,855,421.84	\$ 5,084,467.02	
Investment in Treasury	\$ 12,755,367.51	\$ 12,760,566.01	
TPA Trustmark Bank Balance	885,221.78	187,410.70	
Total Funds By Account	\$ 18,496,011.13	\$ 18,032,443.73	
Less Reserves	\$ 6,842,488.29	\$ 6,437,463.85	
Unencumbered Funds Available	\$ 11,653,522.84	\$ 11,594,979.88	

-----CLAIMS/RESERVES DETAIL (Year-To-Date)-----

	MTCB	CCMSI	TOTAL
Claims - Payments	\$ 48,564.87	\$ 1,254,120.74	\$ 1,302,685.61
Claims - Legal Expenses	148,782.31	2,404.96	151,187.27
Claims - Other Expenses	-	2,807.07	2,807.07
Total Paid Out to Date	\$ 197,347.18	\$ 1,259,332.77	\$ 1,456,679.95
OUTSTANDING RESERVES	284,511.73	6,152,952.12	6,437,463.85
Total Claims & Reserves	\$ 481,858.91	\$ 7,412,284.89	7,894,143.80
Number of Claims Created	214	101	315
Number of Claims Paid	134	69	203
Total Open Claims	214	295	509
AVG. CLAIM \$ / # CLAIMS PAID	\$362.42	\$18,175.66	\$ 6,417.17
AVG. RESERVE / OPEN CLAIMS	\$1,329.49	\$20,857.46	\$ 12,647.28

NOTE: Information represents combined operations for Treasury Fund 3081 and the Trustmark account (utilized by CCMSI).

MISSISSIPPI TORT CLAIMS BOARD

Budget Comparison Report

Treasury Fund 3308100000

Fiscal Year 2021

Expenses:	Total Budget	September 2020	October 2020	Year To Date Expenditures	Ending Balance	Percent Expended
A1-Salaries	\$ 586,647.00	\$ 48,992.44	\$ 48,555.85	\$ 195,116.44	\$ 391,530.56	33.26%
A2-Travel	4,000.00	0.00	0.00	0.00	4,000.00	0.00%
B-Contractual	1,650,000.00	156,911.60	121,110.14	310,586.94	1,339,413.06	18.82%
C-Commodities	7,000.00	258.15	531.61	1,335.37	5,664.63	19.08%
D2-Capital Outlay	2,000.00	0.00	0.00	0.00	2,000.00	0.00%
E-Subsidies	4,300,000.00	507,118.48	15,457.49	1,048,564.87	3,251,435.13	24.39%
SUBTOTAL	<u>\$ 6,549,647.00</u>	<u>\$ 713,280.67</u>	<u>\$ 185,655.09</u>	<u>\$ 1,555,603.62</u>	<u>\$ 4,994,043.38</u>	<u>23.75%</u>
TPA Expended		<u>38,204.54</u>	<u>697,847.81</u>	<u>1,259,394.92</u>		
TOTAL Expended		<u>\$ 751,485.21</u>	<u>\$ 883,502.90</u>	<u>\$ 2,814,998.54</u>		

TRINITY

TRINITY CAPITAL INVESTORS

November 2, 2020

Ms. Lea Ann McElroy
Mississippi Tort Claims Board
P O Box 267
Jackson, MS 39205-0267

Re: October 2020 Portfolio Highlights

Total Portfolio	Book Value	\$12,786,173
	Market Value	\$12,826,244
YTD 2020 Internal Rate of Return		1.45%
Current Portfolio Book Yield		0.49%
Market Yield		0.44%
Weighted Average Life		Approximately 19 months
YTD 2020 Earnings		124,791
Accrued Interest		7,842

1675 Lakeland Drive Suite 400 Jackson, MS 39216
Telephone 601-956-3511
Fax 601-956-3513



STATE OF MISSISSIPPI
GOVERNOR TATE REEVES

MISSISSIPPI TORT CLAIMS BOARD
STEPHEN C. EDDS, CHAIRMAN

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Steve Milner
DATE: November 12, 2020
RE: Loss Control Report

Since the last Board Meeting, loss control services for the Tort Claims Board include:

- 11 State Property/Leased Property Inspections
- 17 Days State Fair Duty
- 3 Accident Investigations
- 2 State Trooper Injury Investigations
- 1 Risk Management Consultation
- 1 State Fair General Staff Planning Meeting
- 4 Pre State Fair Recommendation Implementation Follow Up



STATE OF MISSISSIPPI
GOVERNOR TATE REEVES

MISSISSIPPI TORT CLAIMS BOARD
STEPHEN C. EDDS, CHAIRMAN

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Lea Ann McElroy
DATE: November 12, 2020
RE: Political Subdivisions – Certificates of Coverage

RECOMMENDATION: Staff recommends approval of 88 political subdivisions shown on attached list.

MISSISSIPPI TORT CLAIMS BOARD

Thursday, November 12, 2020

Political Subdivisions Recommended for Renewal of Certificate of Coverage

AAA Ambulance Service, Inc.
Adams County Board of Supervisors
Alcorn County Schools
Amite County Board of Education
Attala County Board of Education
Bay St. Louis-Waveland School District
Benton County School District
Calhoun County School District
Calhoun County Volunteer Fire Department
Choctaw County School District
Cleveland School District
Coahoma County Soil & Water Conservation District
Copiah County School District
Farmhaven Volunteer Fire Department
Forrest County School District
Franklin County School District
Greene County School District
Grenada County Firefighters Association
Hazlehurst City School District
Hollandale Consolidated School District
Jackson City Clerk
Jackson County Fire District
Jackson County School District
Jackson Municipal Airport Authority
Jefferson County School District
Jefferson Davis County School District
Kemper County School District
Kosciusko Public Schools
Lawrence County School District
Leake County School District
Leetown Fire District
Leflore County Board of Supervisors
Leland Consolidated Schools
The Library of Hattiesburg, Petal and Forrest County
Louisville Municipal School District
Ludlow Volunteer Fire Department
Madison County School District
Marion County School District
McComb School District
Meridian Community College
Monroe County School District
Moss Point School District

Nesbit Volunteer Fire Department
New Albany Separate School
Newton County School District
Newton Municipal School District
North Bolivar Consolidated School District
North Central Scott County Volunteer Fire Department
North Delta Planning & Development District, Inc.
North Pike School District
North Tippah Consolidated School District
Okolona Municipal Separate School District
Oktibbeha County Volunteer Fire Departments
Oxford School District
Pearl Public School District
Perry County School Board
Poplarville Volunteer Fire Department
Post 58 Fire Department
Prentiss County School District
Quitman Separate School District
Region Eight Mental Health Services
Region III Northeast Mental Health/Retardation Center
Region XII Commission on Mental Health and Retardation
Richton School District
Scott County School District
Senatobia Municipal School District
Singing River Mental Health/Retardation Services
Smith County School District
South Delta School District
South Panola School District
South Pike School District
South Tippah School District
Starkville-Oktibbeha Consolidated School District
Sunflower County Consolidated School District
Tate County School District
Tippah Career and Technology Center
Tishomingo County School District
Tunica County Board of Education
Tupelo Public School District
Union County Board of Supervisors
Walthall County School District
Wayne County Fire
Webster County Fire District
West Madison Utility District
West Tallahatchie School District
Western Line School District
Wilkinson County Board of Education
Yazoo County School District

Total 88



STATE OF MISSISSIPPI
GOVERNOR TATE REEVES

MISSISSIPPI TORT CLAIMS BOARD
STEPHEN C. EDDS, CHAIRMAN

MEMORANDUM

TO: Mississippi Tort Claims Board

FROM: Bruce Donaldson

DATE: November 12, 2020

Bobby Hunter vs. Mississippi Department of Mental Health